



TOWN OF NORTHBOROUGH Conservation Commission

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Conservation Commission Meeting Minutes September 14, 2015

Members Present: Greg Young, Diane Guldner, Wayne Baldelli, and Justin Dufresne

Others Present: Kale Kalloch-Getman, Conservation Agent; Fred Litchfield, Town Engineer; Dan Nason, Public Works Director; Jacquie Goring, Board Secretary; Jody Stiles; Robert Gleeson; Jim Stone

Approval of Minutes: Mr. Wayne Baldelli motioned to approve the minutes of July 13, 2015 and August 10, 2015. Mr. Justin Dufresne seconded the motion and the vote was unanimously in favor of approval.

Request for a Determination of Applicability, 96 School Street

- Applicant: Mr. Jody Stiles
- Request: Repair or replacement of retaining wall along driveway
- Jurisdiction: Buffer Zone to a Bordering Vegetated Wetland

Ms. Kale Kalloch-Getman informed the Commission that Mr. Jody Stiles submitted a Request for Determination of Applicability (RDA) for a retaining wall along the driveway that is falling down causing damage to the driveway. Ms. Kalloch-Getman noted that an Order of Conditions (OOC) was approved in 2005 for a single family home and driveway which included wetland fill and replication area. A superseding OOC by the Massachusetts Department of Environmental Protection (MassDEP) confirmed the Commission's OOC. MassDEP issued a Certificate of Compliance in 2012. Ms. Kale Kalloch-Getman spoke to Mr. Joe Bellino with MassDEP to confirm documentation from the State that the project had been reviewed by a wetland scientist and if had been completed according to the plan submitted with the 2005 OOC. Mr. Bellino stated he would review the project but recalled conducting a site visit and found it acceptable at the time of the Request for COC. Mr. Greg Young asked Mr. Stiles if he also requested an RDA for tree cutting which Mr. Stiles confirmed he had for tree cutting and converting an area to lawn/mowing. Mr. Stiles described the area of lawn as a c-shaped area where the silt fence is currently located on the property.

Ms. Kalloch-Getman noted Mr. Stiles has submitted two proposals including one to repair the stones along the driveway that are falling from the replication area to the corner of the property. Mr. Stiles described the second request to remove the large stones from the side of the driveway and compact soils and regrade. Ms. Kalloch-Getman displayed a cross section submitted with the RDA by Mr. Stiles. Mr. Stiles will use a bobcat staged on the driveway to remove the stones, compact the soils and add loam approximately eight to ten feet from the edge of the driveway, towards the wetland, to reinforce the slope and prevent the driveway from degrading. Mr. Baldelli confirmed with Mr. Stiles that the slope is a two foot rise over an eight to ten foot length. The stones have been falling from the side of the driveway which Mr. Stiles has been putting back in place. Ms. Kalloch-Getman displayed photos from the September 12, 2015 site visit that included wetland flags along the wetland line in the area of proposed work as well as the as-built including the wetland delineation from the 2005 OOC. Ms. Kalloch-Getman reviewed soil in several locations during the site visit and contacted Mr. Brian Waterman of

Waterman Design, Inc. regarding the current wetland flagging. Mr. Waterman had used the plan submitted with the COC in 2012 to place the current flags. Ms. Kalloch-Getman also displayed photos of the replication area and the fill area from the 2005 OOC and noted the area along the driveway is already disturbed.

Mr. Baldelli confirmed with Mr. Stiles the location of the existing wetland line and noted that the area is already disturbed and that the bylaws state that the area cannot be disturbed within fifteen feet of a wetland and no structures can be within 30 feet of a wetland, including a stone retaining wall. Mr. Baldelli noted that the work proposed by Mr. Stiles to grade from the driveway beyond the wetland flag is filling a wetland and noted that the current retaining wall is not consistent with the bylaws. Mr. Stiles stated that the driveway is also not consistent with the bylaws and that every winter the wall is damaged further by water getting behind the stone, freezing and pushing the stones out of place. The Commission discussed rebuilding the wall rather than re-grading the area and filling the wetland. Mr. Stiles noted the wall could not be rebuilt with the current stones and that he had looked into installing a block wall but was cost prohibitive. The Commission discussed the ability to issue an RDA or requiring a Notice of Intent (NOI) to be filed and grading only to the staked wetland line rather than beyond it. Mr. Stiles confirmed he would be willing to only grade the slope to the wetland line. The Commission discussed grading to the wetland in the no disturb fifteen foot buffer in a previously disturbed area and to minimize additional disturbance. Ms. Kalloch-Getman noted that she conducted soil sampling during her site visit and observed no wetland soils under the initial loam layer. Soil samples from an area closer to the pond included a sandy soil under the loam layer that was a depleted grayish yellow.

Mr. Baldelli recommended using riprap to stabilize the slope to the wetland line. Mr. Stiles stated that using riprap will still require installing a trench and adding material. Mr. Robert Gleeson stated that gravel could be used and topped with loam and grass. The Commission discussed the various options and if an RDA was sufficient for the project or if a Notice of Intent (NOI) should be filed. The Commission also discussed Ms. Kalloch-Getman's soil samples and if the area has characteristics of a wetland. Mr. Stiles noted that he has lived at the property for three years and has never seen water in that area. Ms. Kalloch-Getman described the pond area and reviewed the Northborough GIS and wetland data layers. Ms. Guldner confirmed with Ms. Kalloch-Getman that the soil samples did not distinctly show that the area is a wetland. The Commission discussed the wetland delineation and flagging and recommended that Mr. Stiles have an updated wetland delineation completed for his records. Ms. Kalloch-Getman noted that there was evidence that Mr. Waterman conducted soil sampling although the current plan included a note that the wetland line was flagged using the 2012 plan. Ms. Kalloch-Getman will contact Mr. Waterman to get soil sample information for the property and noted that the area could displace water which would be counteracted if the area was filled. The Commission discussed and confirmed the work could be performed under an RDA. Mr. Stiles noted his concerns regarding the stabilization of the driveway and waiting an additional month to complete the work.

Ms. Guldner motioned to approve and issue for a Negative #3 Determination of Applicability for 96 School Street for repair of the retaining wall along driveway including conditions that the area is only filled to staked wetland flags 2 and 3, erosion controls are used, and that the roadway must be kept free of sediment. Mr. Stiles noted he expects the work to be completed in two days. Mr. Baldelli requested that silt fence be used. Mr. Dufresne seconded the motion and the vote was unanimously in favor of the motion. Ms. Kalloch-Getman provided Mr. Stiles the detail for the erosion controls.

Otis Street Culvert Replacement and Road Work Updates

Mr. Dan Nason, Northborough Public Works Director, updated the Commission on the Otis Street culvert replacement. Mr. Nason noted that the project has been completed but during the process the culvert was adjusted 20 inches to the east/northeast to ensure the new culvert would marry the abutment wall. Mr. Nason displayed plans for the culvert replacement and described the area. The adjustment caused roadway alignment issues resulting in ponding in the area. A sluiceway was installed on either side of the culvert to divert water from the roadway leaving the farm and coffee shop to the stream. Mr. Baldelli noted that the Commission would like riprap installed at the end of the sluiceway. Mr. Nason noted that the area is not owned by the Town and would not allow room for additional structures. Mr. Nason also noted that the sluiceways that were installed matched preexisting conditions and that catch basins would have been preferred but were not possible in the area.

Mr. Baldelli noted that he would have preferred the runoff to enter a ponding area or swale and recommended that Mr. Nason contact the property owners for access. Mr. Nason stated that the property owners may seek compensation for a structure on their property. Ms. Kalloch-Getman displayed photos of the area that included a photo of one of the sluiceways with flowing water that she noted was taken on a dry day. Ms. Kalloch-Getman observed puddling at the farm that was coming across the road and down the sluiceway. Mr. Baldelli recommended the sluiceway be extended down further and a stone settling area be added. Mr. Nason expressed concerns about plant growth in a settling area, which has already established at the end of the sluiceway, which may cause damage to the wall. Mr. Baldelli clarified with Mr. Nason that the water from the sluiceway enters directly into the stream which was occurring prior to the culvert replacement. Ms. Kalloch-Getman noted that the area previously had significant sediment and riprap was added which has improved on the conditions. Ms. Kalloch-Getman also noted that the stream was reviewed between 2002 and 2005 by the State and was found to be quite healthy and noted that it is currently in good condition according to her observations.

Mr. Nason discussed getting an easement on either property abutting the stream and the requirement for a Town meeting vote for exchanging of property. Mr. Baldelli recommended again that Mr. Nason inquire with the property owners regarding access. Mr. Young noted that if the property owners were willing to allow an exchanging of property it would likely pass at Town meeting and would not be a significant amount of work for the Department of Public Works (DPW). Mr. Nason noted that the DPW has limited man power. Ms. Kalloch-Getman noted she had discussed run off concerns with one of the property owners during her site visits and will talk to the property owner. The Commission discussed the run off from the farm and DPW using only salt and no sand to treat the road.

Ms. Kalloch-Getman discussed returning the stream back to its original condition and the change to smooth sided headwalls and requested that large stones to be placed in the stream and material along the side of the bridge to slow the flow of water. Mr. Nason noted that the footings were not in the correct place and the decision was made to remove the existing abutment and install new footings. Ms. Kalloch-Getman displayed photos and Mr. Nason confirmed that the stones will be in place by year end. Mr. Fred Litchfield, Town Engineer, noted that the contractor has placed rocks in the stream but additional rocks are required along the edges to slow the flow of the water. The Commission discussed the dam and Mr. Nason confirmed the Berberian's are the owner on record with the State.

17 Coolidge Street-Mr. Jim Stone, the current property owner for 17 Coolidge Street, was present and inquired about the COC for the property. Ms. Kalloch-Getman noted that the project was not on the agenda for the meeting and explained that a Request for COC was submitted 2 months prior at which time a representative of the Commission conducted a site visit and determined that the grass had not grown significantly enough to verify no erosion control issues. Ms. Kalloch-Getman noted that she had

spoken with the attorney but a Request for COC was not made by the filing deadline for the current Commission meeting. Ms. Kalloch-Getman recommended a Request for COC be filed by the October 5, 2015 deadline for the October 2015 meeting and will conduct another site visit to confirm the grass growth. Ms. Kalloch-Getman noted that once the COC is recorded with the Registry of Deeds the silt fence could be removed. The Commission informed the homeowner of the wetlands behind the property and the necessity to file with the Commission if work on the property is proposed. Ms. Kalloch-Getman noted the OOC includes a requirement to post wetland buffer signs in the back yard and will send a copy of the OOC to Mr. Stone.

Discussion Items:

Newton Street Roadway Improvements: Ms. Kalloch-Getman informed the Commission that there has not been any work conducted since the last Commission meeting. Ms. Kalloch-Getman displayed photos of an area of the roadway that had collapsed several weeks ago. Ms. Kalloch-Getman noted that the erosion controls were not sufficient and that tree cutting will begin soon. An 18 inch culvert is planned to be replaced and the inflow area has been dry for the past several weeks. Ms. Kalloch-Getman alerted Mr. Ramadan and others regarding the condition of the site and has scheduled a site visit with him for September 15, 2015. Culvert replacement work was initially scheduled to begin the prior week but due to equipment failure it was rescheduled to begin the day of the site visit. The site visit will include Mr. Glenn Krevosky, wetland scientist for the project. The discussion will include final details, equipment and erosion controls. Ms. Guldner confirmed with Ms. Kalloch-Getman that the tree that fell has not been removed. The Commission discussed the collapsed culvert/asphalt and the schedule for the work prior to winter. The Commission would like to ensure that erosion controls are sufficient prior to the winter and Ms. Kalloch-Getman noted that additional erosion controls are staged onsite. The Commission confirmed with Ms. Kalloch-Getman that regular site visits have been conducted and will be scheduled during the work.

432 Whitney Street: Ms. Kalloch-Getman informed the Commission that logging equipment was observed in the parking lot of 432 Whitney Street. Mr. Litchfield contacted Mr. Santo Anza, the owner of 432 Whitney Street, who stated hogs are grazing in the area where logging is proposed. Ms. Kalloch-Getman was contacted by Ms. Denise Child of MassDEP regarding the reported logging. Ms. Kalloch-Getman and Mr. Litchfield communicated with Mr. Bellino and Ms. Judy Schmidt of MassDEP and confirmed with the Service Forester District Office that a forest cutting plan had not been received for the project which is required for more than 25,000 board feet. Ms. Kalloch-Getman confirmed with the logging company that 30,000 to 40,000 board feet were expected from the logging at 432 Whitman Street. Ms. Kalloch-Getman noted that the property is under Chapter 61A and does not have an exemption for filing a forest cutting plan and if a forest cutting plan is filed, the Commission will have the opportunity to review if cutting is proposed within their jurisdiction. The Commission discussed the potential for an agricultural exemption and the number of board feet expected for the project. The Commission reviewed maps and topographic plans provided by Ms. Kalloch-Getman. Ms. Kalloch-Getman noted that the logger stated that none of the activity is within a wetland area. The Commission discussed requesting an RDA or NOI be filed for the logging activity. Ms. Kalloch-Getman noted that she is awaiting response from Ms. Laura Dooley, Northeast Region Service Forester, if a forest cutting plan is required. Ms. Kalloch-Getman also noted that Mr. Anza picked up an RDA form from Mr. Litchfield. Mr. Justin Dufresne noted the potential requirement for filing with Natural Heritage for the northern long eared bat. Ms. Kalloch-Getman will review the file for the property for previous Natural Heritage filings.

370 SW Cutoff: Ms. Kalloch-Getman noted that she has been conducting weekly meetings at the site and that the erosion control boundary looks very good. The branches were removed from the erosion control and the contractor is doing an adequate job with the earth works. The base for the retaining wall in the rear of the property is in place. Ms. Kalloch-Getman noted that the construction supervisor has not observed significant impacts from the recent large storm events but she has not received any written reports.

394 Davis Street: Ms. Kalloch-Getman informed the Commission that the work is moving along consistently and she has been conducting weekly site visits. The new owner, Mr. Randy Doyle, has been very responsive. Although significant erosion controls improvements have not been made the site is still stable. Grading has occurred and loam has been spread and seeded. Sediment will be required to be removed prior to a COC being issued. The Commission discussed the ongoing work and the sediment removal which will be required to be completed by hand.

Lincoln Street School: Ms. Kalloch-Getman noted that the area of work by the stream did not look adequately controlled and that erosion controls should be added to prevent road run off from entering the stream. Mr. Dufresne noted that seed is down and that the pavement is a binder coat and will require final paving. Ms. Kalloch-Getman noted the stockpile located within the 100' buffer was controlled and properly stabilized.

Administrative Matters

Massachusetts Association of Conservation Commissions Membership Cards: Ms. Kalloch-Getman provided Commission members their Massachusetts Association of Conservation Commissions (MACC) membership cards.

Sudbury Valley Trustees Program Calendar: Ms. Kalloch-Getman shared the Sudbury Valley Trustees program calendar with the Commission.

MACC Fall Meeting: Ms. Kalloch-Getman reminded the Commission of the October 17 MACC Fall meeting.

Woodward and Curran Newsletter: Ms. Kalloch-Getman provided the Woodward and Curran newsletter to the Commission.

Asian Long Horn Beetle Report: Ms. Kalloch-Getman informed the Commission that no changes were noted in the Asian Long Horn Beetle report.

Bartlett Pond: Mr. Baldelli asked if Ms. Kalloch-Getman could review the file for Bartlett Pond regarding invasive weed treatment. The Commission discussed applying for CPA funding for additional treatment. Ms. Kalloch-Getman noted she is looking into grants that may be available including watershed grants which she has discussed with Mr. Nason. Ms. Kalloch-Getman stated that Coolidge Brook has characteristics of a cold water fishery and discussed grants to for upgrades to larger systems through the Division of Ecological Restoration. Mr. Dufresne noted the opportunities through UMASS Amherst for culvert replacements with environmental benefits. Ms. Kalloch-Getman discussed the Hop Brook dam at Berberian's Farm and Howard Brook which she noted enters the Assabet River and has poor water quality where it meets municipal point and non-point pollution from road culverts and catch basins.

301 Bartlett Street: Mr. Baldelli asked if work had begun at the 301 Bartlett Street property and stated that the OOC should not be automatically extended without review. Ms. Kalloch-Getman expressed concerns that the plan does not adequately meet soil types at the property. Ms. Kalloch-Getman noted the location of Crane Swamp and Little Crane Swamp on Bartlett Street in relation to the 301 Bartlett Street property and noted that both areas are dynamic ecosystems with potential endangered species habitat. The Commission discussed the 301 Bartlett Street NOI and noted concerns that the plan does not adequately reflect the conditions of the site. Ms. Kalloch-Getman clarified that there is no requirement to extend the NOI.

Chatham Wetland Violation: Mr. Young shared a newspaper article from the Cape Cod Times with the Commission regarding a coastal wetland violation resulting in \$180,000 fines as a result of a destroyed protected coastal wetlands along a foot path leading to a beach in Chatham.

Next Meeting Date: The October meeting date is 10/19/15 with site visits on the 17th.

The meeting adjourned at 9:15pm

Respectively submitted,
Jacquie Goring